

Remarks

Claims 1-40, 42-73 and 75-99 are pending in this application. In a final action mailed June 17, 2004, claims 1-40, 43-73 and 75-99 were allowed. Claim 42 was objected to as depending from canceled claim 41. The above amendment directs that claim 42 be amended to depend from allowed claim 13. Claim 42 was not previously amended to depend from claim 13 only through inadvertent oversight. Applicants intended that claim 42 depend from claim 13 as shown in the Applicants' Response to Office Action, filed August 21, 2003, page 31.

On August 2, 2004, Applicants' representative and the Examiner held a telephone conversation to discuss the status of claim 42. The Examiner indicated that all pending claims, including claim 42, would be in condition for allowance upon entry of the above amendment.

The final Office action of June 17, 2004 also indicated that Applicants must submit the original patent, 37 C.F.R. § 1.178, as well as a supplemental oath or declaration, 37 C.F.R. § 1.175. Applicants are aware of these requirements, and the original patent as well as the required oath or declaration will be filed at a later date.

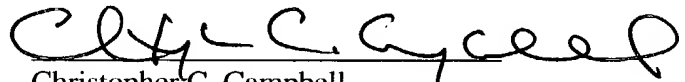
No fee is believed to be due in conjunction with this amendment. However, the Commissioner is authorized to debit any fee due in relation hereto to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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APPENDIX A

Claim and Status	Support in Original Disclosure for Amended and New Subject Matter¹
1-12. (Pending - Original claims from patent)	
13-40. (Pending - Previously presented)	
41. (Cancelled)	
42. (Pending - Currently amended) A rechargeable battery according to claim 41 <u>claim 13</u> wherein a drill chuck is powered by the drive assembly.	"The surgical instrument may comprise any instrument suitable for use in an orthopedic surgical procedure, including but not limited to, drills, screws, reamers, pins and saws (both reciprocating and sagittal) or a suitably designed chuck or adapter for use with any of the previously mentioned instruments." Col. 6, ll. 9-14.
43-73. (Pending - Previously presented)	
74. (Cancelled)	
75-99. (Pending - Previously presented)	

¹ Citations are to U.S. Patent No. 5,792,573.